

REPUBLIC OF LITHUANIA

LAW ON FOOD

NoXX

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Vilnius

PART I

GENERAL PROVISIONS

Article 1. Purpose and scope of this Law

1. This Law shall lay down the requirements for food placed on the market and its handling, main functions of public authorities responsible for food safety surveillance and control of the compliance with the requirements established by laws and other legal acts, the responsibilities and liability of manufacturers and traders.
2. The purpose of this Law is to ensure that:
 - 1) food placed on the market should meet the requirements laid down by this Law and other related legislation for public health, safety and consumer protection;
 - 2) food should meet international requirements for free movement of goods;
 - 3) Lithuanian food industry could increase export of its products to other countries, and that food produced in Lithuania could compete more effectively on international market;
 - 4) production of ecological agricultural products should be promoted.

Article 2. Main definitions used in this Law

As used in this Law:

1. **Food** means any substance or product, whether processed, partially processed or raw (unprocessed), intended to be ingested by humans or similar use. Food also includes drinking water, alcohol drinks, chewing gum and other substances and products which are made to be swallowed, chewed, etc., with the exception of medicinal and tobacco products, narcotic and psychotropic substances.
2. **Nutritious matter** means food components necessary for the human organism (proteins, fats, carbohydrates, vitamins, minerals, etc.)
3. **Articles, intended to come into contact with food**, means materials or products which may be in contact with the food, are in contact with food and are manufactured for this purpose;
4. **Food hygiene** means conditions and means of ensuring safety of foodstuffs and retaining their fitness for human consumption during the process of handling.
5. **Food handling entity** means establishment (including, territory, buildings and means of transportation) where food is handled.
6. **Food handling** means any impact upon food or any actions involving food or its components (including growing of plants and livestock breeding for food, food production, preparation, packaging, storage, transportation,, distribution, supply and delivery to trade and sale centres) that may influence food safety.

7. **Food additives** means any substances which, although usually considered not food or any part of it, are nevertheless, put into the food for the technological purposes during food handling and which eventually become or presumably become an integral part of food.
8. **Producer** means the manufacturer, established in the Republic of Lithuania in accordance with the procedure established by legal acts, who:
 - 1) has produced and presents himself as the manufacturer by affixing to the product his name, trade mark or any other distinctive mark;
 - 2) acts as a representative of the manufacturer and at the manufacturer's request sells the product giving his name, or imports the product if there is no representative of the manufacturer;
 - 3) handles the food and presents himself as the manufacturer of this food;
 - 4) as a professional participant in the supply chain, insofar as his activities may affect the safety of a product placed on the market.
9. **Trader** means a person, established in the Republic of Lithuania in accordance with the procedure established by legal acts and dealing in foodstuffs.
10. **Safety** means the sum total of requirements laid down by this Law and related laws for food characteristics and its handling, ensuring that the consumption of food under normal or reasonably foreseeable conditions of use, including duration, does not present any risk or only the minimum risks compatible with the product's use, considered as acceptable and consistent with a high level of protection for the safety and health of persons.
11. **Quality** means the sum total of the properties of food enabling to meet declared or presumed needs of consumers.
12. **Foodstuffs for particular nutritional purposes** means food which due to its specific composition and ways of handling, differs from the conventional food and is intended to meet special nutritional needs arising out of the specific physical and physiological state of a consumer and conforms to declared special purposes, which is marked and placed on the market in the way indicating the group of consumers the product is intended for.
13. **Hazard analysis and critical control points (HACCP)** means a system of establishment, evaluation and management of biological, chemical and physical factors which may influence safety of food, applicable in food handling entities for self-control purposes.
14. **Contaminant** means any non-food product of chemical or biological origin which has been put into food by accident or any other object, with the exception of food additives, which have come to appear in the process of handling, including field cultivation, cattle-rearing and veterinary procedures or due to the contamination of environment.
15. **Placing on the market** means supply of foodstuffs to a third party for sale or free of charge (to the ultimate consumer or legal or natural person or undertaking without the rights of a legal person, supplying food to the ultimate consumer) and storage with a view to supply to a third party, with the exception of supply for the purposes of testing conducted under the controlling institutions.

Article 3. Scope of application of this law

1. This law shall apply to legal and natural persons as well as undertakings without the rights of a legal person, placing food on the market, public authorities,

conducting surveillance and controlling safety of food and its compliance with laid down requirements.

2. This Law shall not apply to:

- 1) foodstuffs in transit through the territory of the Republic of Lithuania, with the exception of cases where transit goods endanger or cause damage to public health;
- 2) handling of food for personal or household use;
- 3) handling of food placed on the market prior to the coming into force of this Law.

PART II

REQUIREMENTS SET FOR FOOD AND ITS HANDLING

Article 4. Main requirements for food

1. Only the food should be placed on the market which is in compliance with the requirements laid down by this Law and related laws in respect of public health, safety and protection of consumers.
2. The requirements laid down by this Law for food shall also apply to nutritious matter, articles, intended to come into contact with foodstuffs and food additives.

Article 5. Requirements for consumer information and food labelling

1. Consumers must be provided with true information about food. The information is to be given without:
 - 1) confusing the customers with regard to the description of food, its brand, identity, properties, composition, quantity, time of expiry, origin, handling, consumption and storage conditions;
 - 2) indicating non-existent food property, curative or preventive features, or reference to such characteristics in case the conclusions of the Ministry of Health Care or other authorised institution, corroborating such information, are not provided;
 - 3) statements relating to the specific features of the foodstuffs when actually all other similar products maintain the same identical features.
 - 4) indicating other information which misleads or is likely to mislead consumers.

Article 6. Restrictions on the placing of food and other products appearing to be other than they are, on the market

1. It shall be prohibited to place on the market food when it or its packaging contains things other than food, with the exception of cases when such things are necessary for food handling or consuming.
2. It shall be prohibited to place on the market products which, although not foodstuffs, possess a form, odour, color, appearance, labelling, packaging or size, such as it is likely that consumers, especially children, will confuse them with foodstuffs and as a result endanger their health or life.

Article 7. Responsibilities and liability of manufacturers and sellers

1. Manufacturers and sellers must:
 - 1) comply with the requirements laid down by this Law and other legal acts, fulfill the instructions and meet the requirements set by control authorities;
 - 2) handle food only at food handling entities designated for this purpose, which meet the requirements laid down by this law and other legal acts and approved in accordance with the procedure established by the competent body authorised by the Government, in compliance with the hygiene requirements laid down by legal acts;

- 3) implement and apply Hazard analysis and critical control points system at food handling entities and perform laboratory tests, ensuring self –control of the safety and handling of food;
 - 4) observe hygiene rules and technological requirements when touching unpacked or packed food or surfaces in contact with food, and to constantly improve their knowledge.
2. Manufacturers and traders who have violated the requirements of this law and other legal acts, shall compensate for the inflicted damage under the laws of the Republic of Lithuania.

PART III

THE POWERS OF PUBLIC AUTHORITIES IN THE SPHERE OF MANAGEMENT OF FOOD SAFETY AND NUTRITION OF THE POPULATION

Article 8. Official management of food safety and nutrition of the population

Official management of food safety and nutrition of the population under the laws and other legal acts of the Republic of Lithuania shall be carried out by the Government, ministries authorised by the Government, departments, established under those ministries and other offices in the areas of public administration assigned to them and within their competence.

Article 9. Powers of the Government

In forming and implementing public policy promoting public health, the Government shall:

- 1) prepare public strategies for the food safety and improvement of the nutrition of the population and submit them to the Seimas of the Republic of Lithuania for approval;
- 2) approve programmes of food safety and improvement of the nutrition of the population, prepared by public institutions authorised by the Government ;
- 3) adopt, within the limits of their competence, economic and other measures in order to provide better conditions for the production of wholesome and ecological food and promote the placement thereof on the market;
- 4) establish the powers of ministries and other public authorities in the field of food safety, quality and management of the nutrition of the population;
- 5) perform other functions, regulated by laws and other legal acts.

Article 10. Powers of the Ministry of Health Care

The Ministry of Health Care shall perform in the field of the management of food safety and nutrition of the population the following functions:

1. Form and implement the policies of the safety of food, wholesome nutrition of the population and reduction of food-borne morbidity.
2. Approve legislation, laying down mandatory requirements for food, taking into account the assessment of risk to human health based on scientific research, harmonised with the requirements of the United Nations Organisation, the European Union, the World Trade Organisation, the Codex Alimentarius Commission as well as agreed, in an appropriate manner, with other public

authorities in charge of the management of food safety and nutrition of the population, regulating:

- 1) maximum permitted concentrations of contaminants in food;
 - 2) requirements for the safety of food additives and nutritious matter;
 - 3) the safety of foodstuffs for particular nutritional purposes, irradiated, genetically or otherwise modified food, novel foods or food prepared using unconventional methods;
 - 4) safety requirements for articles, intended to be in contact with food;
 - 5) requirements for food hygiene and its control;
 - 6) the procedure for the introduction of hazard analysis and critical control points system at food handling entities;
 - 7) requirements for health of persons handling food and health examination procedures;
 - 8) the monitoring of the nutrition of the population, food safety and food-borne diseases.
3. It shall also perform other functions, regulated by laws and other legal acts.

Article 11. The Powers of the Ministry of Agriculture

The Ministry of agriculture shall perform functions related with economic issues of food and its handling in the field of the management of the improvement of food quality and protection of plants intended for food:

1. Form and implement the policies of the production of ecological agricultural products and raw materials and the increase of the competitiveness of products produced in Lithuania in international market.
2. Approve legislation, laying down mandatory requirements for food, taking into account the assessment of risk to human health based on scientific research, harmonised with the requirements of the United Nations Organisation, the European Union, the World Trade Organisation, the Codex Alimentarius Commission as well as agreed, in an appropriate manner, with other public authorities in charge of the management of food safety and nutrition of the population, regulating:
 - 1) requirements for the composition and quality of food;
 - 2) requirements for growing of plants for food and placement on the market as well as for use and control of plant protection means.
3. It shall also perform other functions, regulated by laws and other legal acts.

Article 12. The Powers of the Ministry of National Economy

The Ministry of National Economy shall perform the functions related with the economic issues of food and its handling, as well as functions related with the management of consumer information:

1. form and implement the policy of consumer information about food;
2. Approve legislation, laying down mandatory requirements for food, taking into account the assessment of risk to human health based on scientific research, harmonised with the requirements of the United Nations Organisation, the European Union, the World Trade Organisation, the Codex Alimentarius Commission as well as agreed, in an appropriate manner, with other public authorities in charge of the management of food safety and nutrition of the population, regulating the requirements set for consumer information concerning food and food labelling.
3. It shall also perform other functions, regulated by laws and other legal acts.

Article 13. The Powers of the State Veterinary Service

The State Veterinary Service shall perform the following functions in the fields of the management of the safety of food of animal origin and health of animals intended for food:

1. Form and implement the policies of the improvement of the safety of raw materials of food of animal origin and reduction of the morbidity of animals intended for food.
2. Approve legislation, laying down mandatory requirements for food, taking into account the assessment of risk to human health based on scientific research, harmonised with the requirements of the United Nations Organisation, the European Union, the World Trade Organisation, the Codex Alimentarius Commission as well as agreed, in an appropriate manner, with other public authorities in charge of the management of food safety and nutrition of the population, regulating
 - 1) safety requirements of raw materials of food of animal origin;
 - 2) hygiene requirements and its control in handling the food of animal origin and its placement on the market.
3. It shall also perform other functions, regulated by laws and other legal acts.

PART IV

OFFICIAL FOOD CONTROL

Article 14. Official food control

1. Official food control shall be performed by the State Food Inspectorate, established by the government in accordance with the procedure established by the Laws of the Republic of Lithuania and other legal acts as well as inspectors acting in its name, who are civil servants.
2. The aim of the State Food Control is to inspect that the food intended for both the domestic market and export be safe, correctly labelled, suitable for fair commercial transactions, protecting consumers' interests and meet the requirements laid down by this Law and related laws and other legal acts. The control shall be carried out following the principle that food safety to human health is unconditional priority.
3. Official control of food shall be carried out governed by the regulations of the State Food Inspectorate, without prior warning, regularly, according to inspection programmes formed in advance (providing for the frequency of inspections and nature of control), as well as where non-compliance with the requirements laid down by this Law and related laws and other legal acts is suspected, using means suitable to the end to be observed.
4. Official control of food shall cover all stages of food handling from the growing of plants and breeding of livestock intended for food to supply of food to consumers, including the market. As appropriate:
 - 1) food and its handling may be examined;
 - 2) hygiene of the staff who come into contact, whether directly or indirectly food, may be inspected (without prejudice to medical ethics);
 - 3) documents concerning the compliance with this law and other legal acts as well as the material of self-control system of food handling entity shall be examined.
5. Official control of food shall comprise :

- 1) inspection of the hygienic state of the food handling entity;
- 2) inspection of food;
- 3) inspection of food handling processes and measures, used materials and equipment ;
- 4) inspection of cleaning and maintenance processes and products;
- 5) inspection of food labeling.

Where appropriate, interviews with the head or other employees of the inspected food handling undertaking may be taken, the reading of values recorded by measuring instruments installed in the undertaking may be compared with the inspection findings.

5. During inspection, where appropriate, samples of food and articles in contact with food as well as of the means and materials of their handling, cleaning and maintenance products, labelling and of other materials, necessary for inspecting their compliance with this and other related laws and legal acts, copies may be made or extracts taken of documentary material used in food handling or submitted to inspectors for examination.

6. Where infringements of this and other related laws and legal acts are established or suspected, the State Food Inspectorate must take measures provided by the laws of the Republic of Lithuania so that food which does not comply with the requirements laid down by legal acts would not be produced or placed on the market and if placed, would be withdrawn from the market.

7. The State Food Inspectorate shall, in accordance with the procedure established by laws, international agreements and other legal acts, communicate information to the National Consumer Protection Office about unsafe food, produced in the Republic of Lithuania or food supplied from the member states of the European Union or other states with whom relevant international agreements have been concluded, the placement on the market of which is banned, as well as perform other functions, related with the official controls of food.

8. Entities subject to inspection shall, in accordance with the procedure established by the Government or other authority, authorised by it, have the right to apply for second opinion of another competent authority, as well as to appeal against the actions of the State Food Inspectorate to court.

9. The State Food Inspectorate must ensure the confidentiality of information obtained from the manufacturers or sellers, which constitute commercial secret, with the exception of cases provided by the laws of the Republic of Lithuania, and carry out other duties, established by the laws and other legal acts of the Republic of Lithuania. Inspectors who have violated the requirements of this law and other legal acts shall be liable under the Laws of the Republic of Lithuania.

Article 15. The official food control laboratories

1. Laboratory test of samples taken with the purpose of carrying out official control of food shall be performed by testing laboratories notified or accredited by the competent authority authorised by the Government.
2. Testing laboratories referred to in paragraph 1 of this Article shall use sample selection techniques and methods applicable in the Republic of Lithuania.

PART V FINAL PROVISIONS

Article 16. Coming into force of this Law

This Law, with the exception of Article 17, shall come into force as of 1 July 2000.

Article 17. Proposal to the Government

To propose to the Government of the Republic of Lithuania to approve within one month from the adoption of this Law, an action plan designed for the implementation of this Law.